

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 JOHN ERIC PARTANEN,

12 Plaintiff,

13 v.

14 WESTERN UNITED STATES PIPE
15 BAND ASSOCIATION,

16 Defendant.
17
18

Case No. 1:21-cv-00588-NONE-BAM

**ORDER DISREGARDING PURPORTED
STIPULATION TO AMEND COMPLAINT**

(Doc. 12)

19 On May 27, 2021, Plaintiff John Eric Partanen, proceeding pro se, filed a document titled
20 “Stipulation Alowing [sic] the Plaintiff to Amend His Complaint,” (Doc. 12), and a First
21 Amended Complaint (Doc. 13.) According to the purported stipulation, Plaintiff obtained the
22 “consent of defense council to file the amended complaint on or before May 28, 2021” and
23 attached “[a]n email reportedly confirming the stipulation. (Doc. 12 at 1.)

24 Federal Rule of Civil Procedure 15(a) provides that a party may amend its pleading once
25 as a matter of course within “21 days after serving it,” or if, as here, “the pleading is one to which
26 a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after
27 service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1).
28

1 No responsive pleading or motion under Rule 12(b), (e), or (f) has been filed. Plaintiff therefore
2 is entitled to amend his complaint as a matter of course.

3 Insofar as Plaintiff represents that the parties have stipulated to an amendment of the
4 complaint, Defendant has not appeared in this action. Further, defense counsel has neither made
5 an appearance in this action nor signed the purported stipulation. The Court is unable to consider
6 or give effect to any purported stipulation in the absence of signatures from all parties affected by
7 the proposed stipulation. Accordingly, the “Stipulation Alowing [sic] the Plaintiff to Amend His
8 Complaint” is HEREBY DISREGARDED. The First Amended Complaint remains as filed.

9
10 IT IS SO ORDERED.

11 Dated: June 4, 2021

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE